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Editorial: Internet Governance as an Arena of International Politics

In November 2019, the fourteenth Internet Governance Forum (IGF) convenes in Berlin. We take this as an opportunity to re-examine the issue of Internet Governance from new perspectives. Our approach in this endeavour is twofold: Firstly, we called for papers exclusively from student authors to give the floor to the ideas of young, digitally native minds. Secondly, we explicitly broadened the scope beyond the usual fora, issues, and theoretical approaches considered in research on Internet Governance, i.e. focussed on IGF, ICANN et cetera and based on theories of global governance.

Internet Governance has traditionally been a prime example for global governance and the multi-stakeholder approach. Global governance refers to governance models for global issues and resources, such as climate change or global fishery policy, that cannot be sensibly carved up into areas of national influence and in which traditional intergovernmental negotiations thus typically fail. The multi-stakeholder approach describes governance arrangements that include not only government representatives, but also actors from interest groups such as the private sector or non-governmental organisations (NGOs). The Internet constitutes such a global resource. It could only evolve into the global network we know today because of global coordination and adherence to standards. Moreover, its relatively young formation history and origin from the academic sphere has kept it from direct government control for a long time.

1 Internet Governance: Complex structures for complex issues

The complexity of the resource and its governance approach render the Internet a highly interesting case for political science: “The working out of this experiment in fashioning policy takes place in the vortex of many acronymic entities: complex historic intergovernmental organizations, internet-specific structures of opportunity, powerful invented quasi-private entities, multistakeholder venues, and sovereign states – to describe only part of the ecology” (Drake & Price 2014). As phrased by Dutton & Peltu (2007): “The governance of issues related to the Internet is multi-layered, fragmented, complex and generally highly distributed. The Internet is not one technology but an assembly of many technologies at different levels. Governance is

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also not one process, but several at different levels and in overlapping arenas addressing specific issues.”

The traditional narrow understanding of Internet Governance as “the development and application by Governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet” (Working Group on Internet Governance 2005) has increasingly extended “beyond Internet infrastructural aspects [to] other legal, economic, developmental, and sociocultural issues” (Kurbaliya 2016). In 2013, a survey of the Internet Governance literature identified four major topics: Internet Governance in a narrow sense, telecommunications policy, information security economics, and “cyberlaw” (van Eeten & Mueller 2013). Since then, Internet Governance has become thematically even broader: The programme of the 2019 IGF in Berlin includes topics such as the digital divide in the Global South, net neutrality, ethics of artificial intelligence, digital SME development, data protection, human rights and digitisation, cybersecurity, child protection on the Internet, smart mobility, data governance, and questions of multi-stakeholderism and “cybernorm-setting” itself.

2 Historical overview of Internet Governance

The IGF is the most prominent institution of the current system of Internet Governance and has been in place since the mid-2000s. Hofmann (2005) distinguish three phases of Internet Governance institutions: From a technical regime via the attempted institutionalisation of self-governance to global governance. The Internet Engineering Task Force (IETF), which acted as a standardisation body from 1986 to the mid-1990s, was a “technical regime” (Hofmann 2007) of academics and technicians with a pragmatic approach and a disregard for formal decision-making: “We reject: kings, presidents, and voting. We believe in: rough consensus and running code.” (David Clark, cited by Russell 2006). This phase spawned ideas like “cyberanarchy”, i.e. the self-regulation of the Internet beyond the realm of nation states by the very means of coordination and communication it provides (Weiser 2001). As stated by the Declaration of the Independence of Cyberspace (Barlow 1996): “[the Internet] is inherently extra-national, inherently anti-sovereign and your sovereignty cannot apply to us. We’ve got to figure things out ourselves.”

As the Internet gained importance beyond the academic sphere, the IETF was increasingly marginalised by the Internet Corporation for Assigned Names and Numbers (ICANN), which was contracted by the US government to coordinate key technical issues of the Internet. The US government created ICANN in 1998 after the

“DNS wars” (Kurbalija 2016) had drawn the attention of international governments and the outsourcing of the Internet’s technical governance by the US National Science Foundation had caused dissatisfaction.

The de facto governing capacity of the ICANN for the Internet, including a privileged role of the United States, had been the cause for regular international contention (Klein 2002). Governments around the world felt that the influence of the United States on the Internet – without matching influence of their own – infringed on their sovereignty, given the increasingly important role of the Internet for countries all over the world. As a response, the United Nations held the World Summit on the Information Society (WSIS) from 2002 to 2005, diplomatic conferences centred on inter-governmental negotiations that largely addressed the technical issues governed by ICANN. However, “[f]ew, if any, of the international political conflicts that led to the WSIS were resolved. This led the world’s governments to create the United Nations IGF. Thus, the community of discourse that had formed around the ICANN and WSIS was prolonged in the IGF, which was designed to provide a relatively non-threatening, non-binding venue for ‘multi-stakeholder dialogue.’”(van Eeten & Mueller 2013). As a discussion platform, the IGF complemented the various existing bodies involved in Internet Governance rather than consolidating them. Hofmann (2007) considers this “forum shifting”, with the intention to divert and delay.

At the time, critics called the principles of global governance and multi-stakeholderism, which this governance arrangement was based on, “vague and indeterminate. The only tangible change was the creation of a multistakeholder Internet Governance Forum (IGF), which was widely seen as little more than a way to continue the inconclusive discussions of the summit regarding the Internet” (Mueller, Mathiason & Klein 2007). Today, Internet Governance is still scattered across a multitude of fora and organisations (DeNardis & Raymond 2018). The IGF provides a discussion space, mostly relying on community workshops, but no decision-making mechanism. Thus, the sovereignty of national governments – limited as it may be due to the nature of the Internet – remains largely untouched by the IGF (Datysgeld 2018).

The multi-stakeholder approach seemed successful as long as most stakeholders shared a common idea of how the Internet should function and what it should provide (Carr 2015). In the 1990s, the “end of history” (Fukuyama 1992) provided a sufficient ideological consensus in favour of open society and free trade to make the technical regime of the IETF and even the hegemony of the US government in Internet Governance acceptable. However, this consensus has increasingly frayed with the re-emergence of nationalism and ideological alternatives to liberal democracy. Countries like China, Russia, or Iran not only challenge the value consensus which Internet Governance used to be based on but are working on technical solutions for nationally controlled versions of the Internet (Marchant & Robertson 2015; Nocetti 2015; Zeng,

Stevens & Chen 2017). As the Internet has become crucial for national economies, infrastructure, and information policy, questions of Internet Governance have become matters of national interest and thus intergovernmental dispute. With this “rise of contention”, the theoretical perspective on Internet Governance is shifting from institutionalist approaches to global governance to state-centred realism (Bradshaw et al. 2015). From this perspective, scholars like Drezner (2004) argue that the non-state actors in the Internet’s multi-stakeholder governance often serve as delegates of government interests. Thus, Internet Governance has become an arena of international politics: “20 years ago, Internet governance was a technical issue with some political implications. Today, Internet governance is a key political issue with some technical components.” (Kleinwächter 2018)

From a perspective of political economy, the development of Internet governance can also be viewed against the background of the liberalisation of telecommunications. In the case of Western Europe, the worldwide liberalisation of trade, but also the increasing influence of an Anglo-American understanding of markets and law since the beginning of the 1980s, has led to a profound transformation of the organisation of communication infrastructures. With the publication of the “Green Paper on the Development of the Common Market for Telecommunication Services and Equipment” (Commission of the European Communities 1987), the implementation of the privatisation of European telecommunications infrastructures, which had previously been in the hands of state-owned monopoly organisations, began. These fundamental changes not only had an impact on market access and regulation, but also, for example, on standardisation in this sector (Sietmann 2012). All in all, participation in decision-making shifted from equal voting rights for all, i.e. governments and telecom companies, to more influence for economically or technological stronger companies. In Europe, it was not immediately clear to business and politics that this paradigm shift and the emerging Internet, which had already followed this pattern, would also change the character of the infrastructure. The Internet, based on connected private communication networks, is not a rigid and unchangeable system but has experienced a dynamic development. While these changes were initially considered technically inevitable, stakeholders eventually recognised that the design of the infrastructure also had an impact on commercial and state interests of the state. (Discussions around “lawful interception”, i.e. special interfaces for law enforcement, are an early example of this.)

3 Research questions of Internet Governance

Almost thirty years after the creation of the World Wide Web, the question of the best governance structure for the Internet remains unresolved. With growing conflicts of interest, pressure on the governance mechanisms is rising. The alternatives proposed at the 2005 WSIS summit, whether Internet Governance should be coordinated “a) between governments and other interested parties. b) through/by appropriate intergovernmental organizations under the UN framework. c) as appropriate on an intergovernmental basis. d) through/by appropriate international organizations. e) through appropriate and mutually agreed international organizations.” (Hofmann 2007) are still relevant options worth examining. Has the multi-stakeholder approach proven itself? Would an intergovernmental approach be more appropriate? Do we need consolidated international institutions to replace the multitude of organisations and fora through which Internet Governance works today? How do non-governmental organisations fill their role in Internet governance? What role do private companies play, particularly as transnational actors? How do governments exert influence overtly and covertly in multi-stakeholder arrangements? Internet Governance raises ample research questions.

These questions are not only of significant relevance for policy-making but also pose interesting theoretical questions. For instance, the 2016 reform of ICANN has already gained attention from international relations scholars (Becker 2019). Giving in to years of pressure from international governments, the United States gave up their privileged role in ICANN in 2016. However, rather than turning it into an intergovernmental body to satisfy the calls for more direct influence by other governments, ICANN is now a private body with an even more pronounced multi-stakeholder approach. Its Governmental Advisory Committee includes government representatives, but these are counterbalanced by other stakeholders such as companies and NGOs. Theoretically puzzling developments such as this render Internet Governance a fruitful research field.

Specific characteristics of Internet Governance are the seemingly technical discussions about infrastructures, standards, and protocols, which are nonetheless often driven by political and economic conflicts:

“Forces of globalization and technological change have diminished the capacity of sovereign nation states and media content producers to directly control information flows. This loss of control over content and the failure of laws and markets to regain this control have redirected political and economic battles into the realm of infrastructure and, in particular, technologies of Internet governance. These arrangements of technical architecture are also arrangements of power.” (DeNardis 2012)

With regard to technical matters, Voelsen (2019) identifies three major current conflict lines: Firstly, the security of the Domain Name System (DNS), whose current configuration is vulnerable to attacks. Secondly, routing via the Border Gateway Protocol (BGP), which companies and governments increasingly abuse to manipulate data. Thirdly, chokepoints of the physical infrastructure, such as undersea cables, which lead to vulnerabilities and inequalities. All of these issues have proven hard to solve in the current governance structures.

Thus, we have to ask: What are the political objectives behind technical decisions? How do encryption, development of DNS, the growth of mobile communication, and machine-to-machine communication influence the development of the Internet? What does the fragmentation of the Internet into different technical ecosystems mean for its governance? Which conflicts and coalitions form around topics like business models, net neutrality, censorship and government surveillance?

4 On the contributions to this special issue

Our call for student papers drew submissions covering different aspects of this broad spectrum of research question and from all over the world. We extend our gratitude to all authors for their ideas and submissions, to the reviewers for their time and expertise and finally to the editorial team of Key Issues for their cooperation. Three single-author papers emerged from the peer-review process: Sina Beckstein on competing AI strategies, Aizhan Shorman on conflicting laws on data regulation, and Venance Leonard Jeston Ntahondi on the authoritarian features of Internet governance in Tanzania.

Sina Beckstein's article "Competition and Artificial Intelligence: How can the European Union strategically position itself in AI?" examines the contrasting US-American, Chinese, and European strategies on Artificial Intelligence from the perspective of international relations research. AI strategies are a topic in which hard power, i.e. the applications and benefits of AI, and soft power, i.e. the values expressed by different AI strategies, intersect. In this light, she gives recommendations for the European AI strategy and its distinct orientation towards "AI for society". The study highlights the political nature of technology policies and the roles they can play on the international stage.

Aizhan Shorman's contribution "Who Makes the Decisions about Data Governance?: Analysis of Key Conflicting Laws on International Data Regulation" takes a legal perspective on the European General Data Protection Regulation (GDPR), the highly controversial German Network Enforcement Act (NetzDG), and the US-American Clarifying Lawful Overseas Use of Data Act (CLOUD Act). Using the case

of data regulation, she points out the challenges governing an entity like the Internet that supersedes territoriality. The article underlines the complexity of Internet Governance and the limits of national sovereignty.

Venance Leonard Jeston Ntahondi's paper "Authoritarianism and Internet Governance in Tanzania" focusses on Internet policies in Tanzania. Drawing on a definition of authoritarianism in the digital sphere, he traces and identifies authoritarian practices in Tanzanian Internet Governance. The case study exemplifies at a national level how different policies for regulating the Internet can serve different political goals.

While the contributions to this special issue shed light on very different aspects, they only cover a fraction of the research and policy questions surrounding Internet Governance. Thus, it is safe to conclude that with regard to Internet Governance – particularly from the perspective of international politics – further research is needed.

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